

# **RESPONDING TO *KNICK***

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## ***KNICK***

**Last summer, the U.S. Supreme Court issued its decision in *Knick v. Township of Scott, Pennsylvania*, \_\_\_ U.S. \_\_\_\_, 139 S. Ct. 2162 (2019), overruling takings precedents stretching back to the late 1800s by holding that land use litigants no longer need to seek compensation under state takings law in order to ripen their federal takings claims.**

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## RI PENESS PRE- *KNICK*

- A final and authoritative determination of how much and what type of development the government will permit .
- A rejection of a just compensation claim in state court.

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## RI PENESS PRE- *KNICK*

- *Knick* only addresses the state compensation ripeness requirement.
- Established in *Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985).

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## RI PENESS PRE-*KNI CK*

- In *Williamson County*, a developer brought a takings claim under 42 U.S.C. § 1983 against a zoning board that had rejected the developer's proposal for a new subdivision.
- The Court concluded that the developer's federal takings claim was "premature" because he had not sought compensation through the State's inverse condemnation procedure.

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## RI PENESS PRE-*KNI CK*

According to the Court, "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the [Takings] Clause until it has used the procedure and been denied just compensation."

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